In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.1291 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others --- Petitioners

vs.

P.D.Java --- Respondent.

C.R.No.1292 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others --- Petitioners

vs.

Subhash Gupta -- Respondent

C.R.No.1293 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others --- Petitioners

vs.

-- Respondent.
Shanti Sethi

C.R.No.1294 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others - Petitioners

vs.

Bindu Rani --- Respondent.

C.R.No.1295 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others --- Petitioners

vs.

---- Respondent.

Aashish Vij

C.R.No.1296 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others --- Petitioners

vs.

R.K.Khanna --- Respondent

C.R.No.1297 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others ---Petitioners

vs.

Kanta Rani ---Respondent

C.R.No.1298 of 2007 (O&M)
Decided on March 09,2007.

The General Manager, Northern Railway and others --- Petitioners

vs.

Deepak Kumar ---- Respondent

Present: Mr. Yogesh Putney, Advocate, for the petitioners

Pritam Pal,J: (Oral)

All these eight Civil Revisions, mentioned above, arise out of one and the same order dated September 20,2006, passed by learned Civil Judge (Junior Division), Panipat. Hence, they are being disposed of by this common order.

Without going to any further details, suffice it to say that the petitioners-defendants-The General Manager, Northern Railway, and others (hereinafter referred to as 'the petitioners), have brought these Civil Revisions against impugned orders dated September 20,2006,whereby applications under Order 6 Rule 17 and Order 1 Rule 10 of C.P.C., filed by the respondent/plaintiffs (hereinafter referred to as 'the respondents),were allowed. In fact, the respondents had filed suits for permanent injunction and in the body of the plaint, they had also claimed ownership over the suit property, though there was already a specific prayer for declaring them to be owners. At the same time,the respondents wanted to implead Union of India as a necessary party, which they inadvertently could not implead earlier.

The sole objection raised by the learned counsel for the petitioners before the learned trial Court was that if the applications filed by the respondents are allowed, then nature of the suits would be changed which is not permissible under the law. Before this Court also, learned counsel for the petitioners relied upon Vijendra Kumar Goel vs. Kusum

Bhuwania (Smt) (1997) 11 Supreme Court Cases, 457.

A perusal of the aforesaid authority shows that the respondents had filed suits for declaration and injunction only and later on, they wanted to convert the same into suits for specific performance, which in fact, had already become barred by limitation. But herein in the instant case, the facts are quite at variance from the facts of above cited ruling inasmuch as the case in hand is at a initial stage of its adjudication before the learned trial Court and the proposed amendment already allowed by the learned trial Court, is not at all prejudicial to the interest of the petitioners. Rather, the amendment allowed in the plaint is necessary for the proper adjudication of the case in hand. At the same time, learned counsel for the petitioners also could not make out as to what prejudice is caused by impleading the Union of India, as a party in this case.

In view of my foregoing discussion, I do not find any illegality or impropriety in the impugned orders passed by the learned trial Court.

Hence, these Civil Revisions stand dismissed in *limine*.

March 09,2007 (Pritam Pal)
RR Judge